IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 9545 of 1997

Between:

Smt. S. Padma, W/o Ramana Rao, Hindu, 28 years rep. By G.P.A. holder SriS. Ramana Rao, S/o Sriramulu, 34 years, Vizainagaram.

..... PETITIONER

AND

1. The Government of Andhra Pradesh, rep. By its Secretary, Transport Department, Secretariat, Hyderabad.

2. The Regional Transport Officer, Vizainagaram.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction, particularly a writ in the nature of mandamus, declaring the Memo No.2318/B3/97 dt. 29.03.1997 issued by the second respondent as illegal and set aside the same and issue a consequential direction to the second respondent to issue permit and duplicate R.C. book to the petitioner for the lorry bearing No. AP 35T 1345.

Counsel for the Petitioner: MR.B.VISWANATHA REDDY

Counsel for the Respondents: GP FOR TRANSPORT

The Court made the following

ORDER: (Per the Hon'ble Sri Justice Bilal Nazki.J)

This writ petition has been filed against a show cause notice dated 29.03.1997 by which the petitioner was directed to explain as to why the Authorization Tax should not be collected from him. After the show cause notice was given to him, the petitioner rushed to this Court and obtained the stay, and the matter is pending for the last seven years. There are various questions of facts, which will have to be decided by this Court, as to why the vehicle was out of road and if so, why? Therefore, it will be appropriate if the authorities concerned decide the matter. Since the petitioner has rushed to this Court, he has not explained his stand to the authorities below.

In the interests of justice, we grant three weeks time from today to the petitioner to respond to the notice dated 29.03.1997. After the reply is filed, the authorities concerned may decide the matter thereafter. For a period of three weeks from today, the interim order passed by this Court earlier shall remain operative. There shall not be demand of tax for the period from 01.01.1996 to 08.02.1997. The stay shall continue till the matter is disposed of by the authorities concerned, if the objections are filed by the petitioner to the show cause notice within three weeks.

The writ petition is accordingly disposed of. No order as to costs.

(BILAL NAZKI. J)

---------- (S. ANANDA REDDY. J)

Date: 27.10.2004

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To

1. The Government of Andhra Pradesh, rep. By its Secretary, Transport Department, Secretariat, Hyderabad.
2. The Regional Transport Officer, Vizainagaram.
3. Two CCs. to the G.P. for Transport, High Court of A.P.(OUT).
4. Two CD copies.